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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: France

1. The Committee considered the initial report of France (CRC/C/3/Add.15) at its 139th to 141st meetings (CRC/C/SR.139-141), held on 11 and 12 April 1994, and adopted* the following concluding observations:

A. Introduction

2. The Committee notes with satisfaction the prompt ratification of the Convention by the State party and the preparation of the initial report which is very comprehensive and closely follows the Committee's guidelines.

3. The Committee wishes to express its appreciation for the presence of a high-level delegation from the State party, including officials from ministries directly involved in the implementation of the Convention. The Committee hopes that the exchange of views held with the delegation of the State party and the decision of the Government to make its initial report widely available will contribute to an open discussion on children's rights at the national level.

* At the 156th meeting, held on 22 April 1994.

B. Positive factors

4. The Committee is particularly encouraged by the State party's commitment to reflect on and review the measures taken and policy chosen to implement the provisions and principles of the Convention in the light of the changing reality of the situation of children.

5. The Committee recognizes the importance of the annual meeting held between the public authorities and the non-governmental community on the anniversary of the adoption of the Convention on the Rights of the Child by the General Assembly of the United Nations. The Committee stresses the value of such a meeting in launching a fruitful dialogue between the Government and the "civil society", as well as in ensuring a serious evaluation of the governmental policies adopted for the promotion and protection of the rights of the child.

6. The Committee also welcomes the decision taken by the Government to submit an annual report to the Parliamentary Assemblies on the implementation of the Convention and on its policies in relation to the situation of children in the world. This procedure will contribute to emphasizing the importance of the principle of the best interests of the child, which is a primary consideration to be taken into account in all actions concerning children, including those undertaken by legislative bodies.

7. The Committee welcomes the measures taken by the State party to recognize the right of the child to have his or her views heard and taken into account in proceedings affecting the child. Note is taken of the various initiatives to inform children about their rights and to encourage children to express their opinion through special councils established within schools and the local community.

8. The Committee is further encouraged by the steps taken to train certain professional groups about the rights of the child. It also commends the initiatives undertaken by members of the legal profession to establish a system of legal information and assistance to children in the field of juvenile justice.

9. The Committee notes the active participation of France in international cooperation activities, including in the area of development assistance.

10. The Committee also notes the significant contribution being made by the State party to the international campaign addressing the issue of the hazardous impact of anti-personnel land-mines on the civilian population and, in particular, on children.

C. Principal subjects of concern

11. The Committee notes with concern the reservation made by the State party to article 30 of the Convention. The Committee wishes to emphasize that the Convention on the Rights of the Child seeks to protect and guarantee the individual rights of children, including the rights of children belonging to minorities.

12. In view of article 55 of the Constitution, referred to in the core document submitted by the State party to the human rights treaty bodies, which provides that the norms of international human rights instruments are self-executing in France and may be invoked before national courts, the Committee is unclear as to the status of the Convention on the Rights of the Child in the national legal framework, namely in the light of recent decisions adopted by the Court of Cassation in this regard.

13. The Committee is concerned about the need to take sufficient safeguards against the possible negative social impact of decentralization, for instance, in order to avoid the risk of aggravated disparities between the regions, in regard to the standard of living, and to minimize the possible adverse effects on the enjoyment of economic and social rights by children, especially those belonging to the most vulnerable groups.

14. Regarding the right of the child to know his or her origins, including in cases of a mother requesting that her identity remain secret during the birth and declaration of the birth, adoption and medically-assisted procreation, the Committee is concerned that the legislative measures being taken by the State party might not fully reflect the provisions of the Convention, particularly its general principles.

15. The Committee is concerned at the situation of unaccompanied children who arrive "unexpectedly in France to obtain refugee status" (as referred to in para. 389 of the State party's report). It is also concerned about the lack of a comprehensive system of protection involving the social and/or judicial authorities which would apply to those children while they are subject to the jurisdiction of the State party, as well as in the process of returning to their country of origin.

16. The Committee is also concerned that legislation and practice relating to arrest, detention, sentencing and imprisonment within the system of the administration of juvenile justice might not be fully consistent with the provisions and principles of the Convention, and in particular articles 37 and 40.

D. Suggestions and recommendations

17. The Committee wishes to encourage the State party to consider reviewing its reservation to article 30 of the Convention with a view to withdrawing it.

18. The Committee also wishes to suggest that the State party envisage the establishment of a permanent mechanism of coordination, evaluation and follow-up for policies taken to implement the Convention on the Rights of the Child.

19. The Committee wishes to emphasize the importance of close cooperation between the central Government and the local authorities, including on budgetary matters, to minimize disparities which may arise between the regions as to the provision of services. It also emphasizes the value of adopting a comprehensive approach to the implementation of the rights of the child which

is both effective and consistent with the provisions and general principles of the Convention, particularly the best interests of the child and non-discrimination which apply irrespective of budgetary resources.

20. While the Committee notes with satisfaction the measures in place to guarantee minimum social income and to improve access to housing for the most disadvantaged groups, it recommends that the State party in this period of economic recession carefully monitor the enjoyment of the individual rights of children. In this connection, it is suggested that the necessary measures be taken to ensure the full realization of the economic and social rights of children belonging to the poorest and most vulnerable sectors of society, including those living in suburbs, the children of migrant workers and socially marginalized children.

21. The Committee draws the attention of the State party to the recommendations of United Nations organs and specialized agencies which emphasize the prioritization of social programmes within the framework of development assistance. It would like to suggest that the State party consider these aspects of the promotion of social development within its international cooperation programme.

22. Within the framework of legal reform and in light of the basic principles of the Convention, particularly its article 2, the Committee suggests that the State party consider reviewing the present law on minimum age for marriage.

23. The Committee would like to suggest that further consideration be given to ways of encouraging the expression of views by children and those views being given due weight in the decision-making processes affecting their lives, in particular within school and the local community.

24. The Committee would also like to suggest that further awareness-raising and educational measures be undertaken to prevent child abuse and the physical punishment of children.

25. In view of the fact that, following the submission of the initial report, important legislation has been adopted, namely in the fields of nationality, entry and residence of foreigners, refugees and asylum-seekers as well as family reunification, the Committee would appreciate receiving, by 1 October 1994, additional written information on those areas and on the way the new legislative measures might affect the enjoyment of the rights of the child as recognized by the Convention, in particular its articles 7, 9, 10 and 22 and taking into due account the general principles of the Convention.

26. The Committee encourages the State party to consider its legislation in the field of the administration of juvenile justice, in particular with regard to children deprived of their liberty, in order to ensure that deprivation of liberty is used only as a measure of last resort and for the shortest period of time, in the light of the provisions of the Convention, notably its articles 37, 39 and 40, as well as relevant international standards, namely the "Beijing Rules", the "Riyadh Guidelines" and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

27. In the light of the best interests of the child and other provisions of the Convention on the Rights of the Child, as well as those of ILO Convention No. 138 to which France is a party, the Committee believes that the employment of children who have not yet completed their compulsory schooling, as admitted by the legislation in the case of domestic servants and family enterprises, including in the area of agriculture, deserves reconsideration by the State party. It also encourages the State party to review the access by children to activities in the fashion industry in order to ensure that this only takes place on the basis of a case-by-case approach and in the light of the best interests of the child.

28. In light of the importance the Committee attaches to the monitoring of the implementation of the Convention at the national level, it would appreciate receiving a copy of the annual reports to be submitted by the Government to the Parliamentary Assemblies on the policies adopted to ensure the realization of the rights of the child recognized by the Convention.

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